IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5243 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HIGHWAY CARGO CARRIERS

Versus

REGIONAL TRANSPORT AUTHORITY REGIONAL TRANSPORT OFFICE

Appearance:

MR JC VYAS for Petitioner No. 1

MR IM PANDYA, AGP for Respondent No. 1-2

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 28/08/2001

ORAL JUDGEMENT

This petition has been filed for a direction to the respondent-authority to release three trailers bearing registration Nos. HR-38-E-2657, HR-38-D-4187 and HR-38-D-3437 forthwith.

2. Mr.J.C.Vyas, learned Counsel for the petitioner states that pursuant to the order passed by this Court on 27th July, 2001, he has already deposited amount of Rs.70,000/- (Rupees Seventy thousand) for release of the said trailers and those trailers have already been released after depositing the amount pursuant to the Courts order.

3. The contentions of the learned Counsel for the petitioner is that the vehicles were detained for verification of Bank Drafts and National Permit for the Gujarat State and also for verification of registration particulars.

4. The petitioner has produced original documents before the authority for verification and it was found that the petitioner has the genuine bank drafts, national permit and registration certificate. It is also stated that for the offence for which the vehicles of the petitioner were detained is punishable maximum fine of Rs.5,000/- (Rupees Five thousand) per vehicle.

5. The learned Counsel for the petitioner states that he is ready to give maximum fine in respect of all the three trailers and the maximum fine be imposed by this Court and the rest of the amount be directed to be paid him.

6. Heard learned Counsel for the parties. Learned A.G.P. states that for verification of the documents, the maximum punishment is provided of Rs.5,000/- (Rupees Five thousand) under Section 192 of Motor Vehicles Act.

Section 192 reads as under :

> "Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of section 39 shall be punishable for the first offence with a fine which may extend to five thousand rupees but shall not be less than two thousand rupees for a second or subsequent offence with imprisonment which may extend to one year or with fine which may extend to ten thousand rupees but shall not be less than five thousand rupees or with both;
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> Provide that the Court may, for reasons to be recorded, impose a lesser punishment."

7. As the learned Counsel for the petitioner submits that he is ready to pay maximum amount of fine i.e. five thousand per vehicle under Section 192 of the Motor Vehicles Act, 1988, that maximum fine can be imposed by the authority for that purpose he is ready to pay and he requested that the amount of fine may be accepted and the remaining amount may be directed to be refunded to the

petitioner.

8. In the facts and circumstances, this petition is being disposed of finally with a direction to the petitioner to deposit the amount of fine of Rs.15,000/(Rupees Fifteen thousand) with the appropriate authority in respect of all the three vehicles. After depositing that amount, the petitioner will produce the receipt before the Registry and the Registry will refund that entire amount to the petitioner. Rule is made absolute. Direct service permitted.

(Kundan Singh, J)

'Bhavesh'